



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,355	11/24/2003	Mark S. Rense	135427/GECZ 2 00687	4678
27885	7590	01/11/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			RIELLEY, ELIZABETH A	
		ART UNIT	PAPER NUMBER	
				2879

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/720,355	RENSE, MARK S. 
	<b>Examiner</b>	<b>Art Unit</b>
	Elizabeth A. Rielley	2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7,9-16 and 18-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 7,9-16 and 18-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 October 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### *Response to Amendment*

Amendment filed 10/31/2005 has been entered and considered by the Examiner. Claims 8 and 17 have been canceled. Claims 20-22 have been added. Currently, claims 7, 9-16, and 18-22 are pending in the instant application.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Noll et al (US 6060820).

In regard to claim 16, Noll et al ('820) teach a lamp comprising (40; figure 1; column 4 line 54 to column 6 line 25) including a nose (49; column 5 lines 56-67); a reflector housing (43); a light source (41) disposed in said reflector housing; a pair of leads extending from said light source (59); a positioning member including an opening (44), said positioning member receives said light source in the opening (see figure 1) wherein said positioning member is adapted to be received in said reflector housing to axially

Art Unit: 2879

align said light source in said reflector housing (see figure 1); and a shoulder (67) disposed in said housing, said positioning member (44) resting on said shoulder wherein said shoulder is adapted to vertically align said light source in said reflector housing (see figure 1). The shoulder (67) extends upwardly from said nose such that said positioning member (44) aligns said light source (41) in said reflector housing (43) with no greater force exerted by said positioning member (44) on said shoulder (67) than the weight of said positioning member (44) and said light source (41; see figure 1, only the light source 41 is on the positioning member 44, which rests on the shoulder (67).

In regard to claim 18, Noll et al ('820) teach that the reflector housing (43) includes an opening (53) and further comprising an eyelet (51) protruding through an opening in the reflector housing (53), wherein the eyelet includes portions extending out of each side of the opening (70 and 72).

In regard to claim 19, Noll et al ('820) teach that the eyelet (51) includes a flange (70) that rests on a first side of said reflector housing and a swaged portion (72) that engages a second side of said reflector housing (see figure 1).

In regard to claim 20, Noll et al ('820) teach a lamp comprising (40; figure 1; column 4 line 54 to column 6 line 25) a reflector housing (43) including a heel portion (46), a nose (49; column 5 lines 56-67) and a radial shoulder (67; see figure 1), the nose (49) enclosing the heel portion (46; see figure 1) and having an eyelet opening (51), the radial shoulder extending inwardly from the heel portion (see figure 1); an eyelet received in the eyelet opening (see figure 1); a positioning member (44) including a light source opening (41), said positioning member contacting the shoulder (67; see figure 1); a light source received in the light source opening (see figure 1); a pair of leads (50) extending from said light source, at least one lead being received by said eyelet (51; see figure 1); the eyelet being fastened to the lead (see figure 1). In

Art Unit: 2879

regard to applicant's recitation of the eyelet being mechanically fastened to the lead without the lead being in tension, the Examiner notes that the recitation is considered a product by process limitation. The patentability of the claim resides on the final product and not the process by which is manufactured. Accordingly, Noll et all's ('820) teachings of the eyelet being fastened to the lead is considered to meet the claimed recitation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9-13, 15, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noll et al (US 6060820) in view of Gagnon et al (US 6078128).

In regard to claims 7 and 22, Noll et al ('820) teach a lamp (figure 1) comprising: a reflector housing (40; column 4 lines 54-65) including a reflective portion (43), a heel portion (46; column 5 lines 34-40) and a nose (49; column 5 lines 56-67), wherein the nose includes an opening (53; column 6 lines 1-6); a light source disposed in said reflector housing (41); a pair of leads connected to said light source (59; column 5 lines 9-13); an eyelet (51; column 5 lines 56-67) protruding completely through the opening (53) in the nose (49) and receiving one of said leads (50; see figure 1), eyelet (51) includes a tubular portion (see figure 1) and a flange (70; column 6 lines 1-5); and a positioning member (44; column 5 lines 41-52) disposed in the heel portion (46) of said reflector (40), said positioning member (44) including an opening (not numbered; column 5 lines 41-45), the opening (not numbered) receiving

Art Unit: 2879

said light source (41; see figure 1). Noll et al ('820) are silent regarding the limitation of the tubular portion has substantially homogenous strength characteristics throughout the length of the tubular portion. Gagnon et al ('128) teach an eyelet (26) that has substantially homogenous strength characteristics throughout the length of the tubular portion (column 2 line 43 – column 3 line 32) in order improve focal position of the lamp (column 1 lines 40-46; claim 1). Hence, it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the lamp of Noll et al ('820) with the eyelet of Gagnon et al ('128). Motivation to combine would be to improve focal positions of the lamp.

In regard to claims 9 and 21, Noll et al ('820) teach that the eyelet includes a tubular portion (see figure 1) having a first end (not numbered), a second end (not numbered) and a flange at the first end of the tubular portion (70). Noll et al ('820) are silent regarding the limitation of the tubular portion comprises a wall having a substantially uniform thickness from the first end to the second end. Gagnon et al ('128) teach the tubular portion of an eyelet (26) comprises a wall having a substantially uniform thickness from the first end to the second end (column 2 line 43 – column 3 line 32) in order improve focal position of the lamp (column 1 lines 40-46; claim 1). Hence, it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the lamp of Noll et al ('820) with the eyelet of Gagnon et al ('128). Motivation to combine would be to improve focal positions of the lamp.

In regard to claim 10, Noll et al ('820) teach a shoulder (67; column 5 lines 41-52) protruding inwardly from a wall of the heel portion (46), wherein said positioning member (44) rests on said shoulder (see figure 1).

In regard to claim 11, Noll et al ('820) teach that the positioning member (44) rests on the shoulder (67) with no greater force than the weight of said positioning member (44), and said light source

Art Unit: 2879

(41; see figure 1, only the light source 41 is on the positioning member 44, which rests on the shoulder 67).

In regard to claim 12, Noll et al ('820) teach the opening in the nose (49) has a first diameter at a surface of the nose facing the reflective portion (the diameter with 70) and a second larger diameter (on 73) at a surface facing away from the reflective portion (43; see figure 1).

In regard to claim 13, Noll et al ('820) teach that the eyelet (51) includes a swaged portion (52) engaging said nose (49; see figure 1).

In regard to claim 15, Noll et al ('820) teach that the positioning member (44) consists essentially of aluminum (column 5 line 41-43<sup>1</sup>).

#### *Response to Arguments*

Applicant's arguments filed 10/31/2005 have been fully considered but they are not persuasive.

In regard to Applicant's argument that Gagnon fails to teach that the eyelet has substantially homogeneous strength characteristics, the Examiner respectfully disagrees. Gagnon teaches the eyelet made out of 80/20 brass throughout the entirety of the eyelet (column 2 lines 43-44). Therefore, the strength characteristics associated with brass<sup>2</sup> are homogenous through the eyelet. The grooves located homogenously (see figure 4; column 3 lines 1-5) throughout the brass eyelet help to *increase* the strength

---

<sup>1</sup> <http://metals.about.com/od/sheetmetal/>

<sup>2</sup> [http://www.pacificsintered.com/pacific/copper\\_brass\\_bronze\\_and\\_nickel\\_silver.html](http://www.pacificsintered.com/pacific/copper_brass_bronze_and_nickel_silver.html)

of the eyelet so that “the eyelet 26 is less likely to over stress any particular point” (column 3 line 1).

Therefore, Gagnon teaches the eyelet has substantially homogenous strength characteristics.

In regard to Applicant’s argument that Noll fails to teach the positioning member aligns the light source in the reflector housing with no greater force exerted by the positioning member on the shoulder than the weight of the positioning member and the light source, the Examiner respectfully disagrees. Noll teaches a reflector housing (43), including a nose (49) and said shoulder (67), extends upwardly from said nose such that said positioning member (44) aligns said light source (41) in said reflector housing (43) with no greater force exerted by said positioning member (44) on said shoulder (67) than the weight of said positioning member (44) and said light source, since only the light source (41) is on the positioning member (44), which rests on the shoulder (67). The method Noll uses to place the lamp into the neck is irrelevant to the matter at hand, since the patentability of the claim resides on the final product and not the process by which was manufactured. The “resilient force” that the Applicant indicates is also added to the shoulder, is the weight coming from the bulb through the disk/position member (44). Therefore, Noll’s final product teaches the position member (44) rests on the shoulder (67) with no greater force exerted by the position member except for the members weight and the weigh of the light source (41) as shown in figure 1.

In regard to Applicant’s argument that of the eyelet being mechanically fastened to the lead without the lead being in tension, the Examiner notes that this recitation is considered a product by process limitation. The patentability of the claim resides on the final product and not the process by which is manufactured. Accordingly, Noll et al’s (‘820) teachings of the eyelet being fastened to the lead is considered to meet the claimed recitation.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Rielley whose telephone number is 571-272-2117. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained

Art Unit: 2879

from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Elizabeth Rielley*  
Elizabeth Rielley

Examiner  
Art Unit 2879

MSTg 1/9/06  
MARICELI SANTIAGO  
PRIMARY EXAMINER